

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Pack et al. **CONF. NO.:** 9659
SERIAL NUMBER: 10/811,316 **ART UNIT:** 3654
FILING DATE: March 26, 2004 **EXAMINER:** Sang Kim
TITLE: Communications Spooler for a Mobile Robot

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

This paper is submitted in accordance with the Official Gazette Notice dated July 12, 2005, and along with a Notice of Appeal, in response to the Office action, mailed by the U.S. Patent and Trademark Office on March 1, 2007 (hereinafter "Office action"). A filing fee for the Notice of Appeal is submitted herewith, along with the fee for a three-month extension of time. Applicant believes that no other fee is required for this submission to be entered. However, please consider this a conditional authorization to charge any related fees necessary for entry of this submission to Deposit Account No. 07-1700.

Applicant's **Remarks** begin on page 2 of this paper.

REMARKS

Applicants respectfully submit that the Examiner failed to consider highly relevant disclosure of U.S. Patent No. 5,551,545 to Gelfman (hereinafter “Gelfman”) in issuing the rejection of claims 11, 13-23, and 25 under 35 U.S.C. § 102(b). The relevant disclosure directly undercuts the Examiner’s reasoning for the rejection. The rejection is improper and review is appropriate, pursuant to the Official Gazette Notice dated July 12, 2005.

Each of independent claims 11, 23, and 25 recite either a cable handling system controller for, or a step of, controlling a cable handling system for a mobile robotic platform including “determining a substantially zero tension cable velocity based at least in part on platform velocity and on a position of [a cable outlet] . . . with respect to a point around which the mobile platform turns.” All of dependent claims 13-22 depend from independent claim 11 and, therefore, include this limitation.

The Examiner has alleged that Gelfman discloses all elements of the invention as claimed in independent claims 11, 23, and 25, including the system controller for determining a substantially zero tension cable velocity, based at least in part on a platform velocity. For support, the Examiner cites to Gelfman, col. 14, ll. 35-45 and 56-64. Office action, p. 3. Notably, the Examiner appears to have overlooked highly relevant intervening lines 46-55 of Gelfman, which recite:

In the present invention, the cable deployment is autonomous and independent of any signals from the drive mechanism of the vehicle, or the vehicle itself, as it senses the need to deploy, retrieve or remain dormant based upon the amount of strain, as detected by the strain gauge, in the cable. Thus, the present invention deploys and retrieves cable without requiring any direct feedback from any mechanism which governs the direction, motion and speed of the vehicle. The present invention uses only the described strain gauge sensor to determine whether the cable should be deployed or retrieved.

Gelfman, col. 14, ll. 46-55 (emphasis added). This overlooked portion of Gelfman unequivocally establishes that Gelfman fails to be a proper anticipatory reference. *See* MPEP

2141.02, sub. VI (“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.”) (emphasis in original), *citing*, *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983).

Gelfman does not determine a substantially zero tension cable velocity based in *any* part on a platform velocity. Instead, the cable deployment system described in Gelfman operates “independent of *any* signals from the drive mechanism of the vehicle, or the vehicle itself.” The cable deployment system “deploys and retrieves cable without requiring any direct feedback from any mechanism which governs the *direction, motion and speed* of the vehicle.” Instead, the Gelfman system “uses *only* the described strain gauge sensor,” to control cable deployment.

Accordingly, Applicants respectfully submit that, contrary to the Examiner’s assertion, Gelfman does not disclose a cable handling system controller that determines a substantially zero tension cable velocity based at least in part on a platform velocity, as claimed in independent claims 11, 23, and 25. Instead, Gelfman explicitly states that no part of the cable deployment system requires any feedback from any aspect of the vehicle that governs vehicle direction, motion, or speed. Maintaining this rejection, in view of the clear disclosure in Gelfman to the contrary, is therefore in error.

CONCLUSION

Applicants respectfully submit that, in light of the foregoing remarks, the ground of rejection asserted by the Examiner is in error and can not be maintained. Withdrawal of the Examiner’s rejection and passage of the claims to allowance is respectfully requested.

Respectfully submitted,

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